

Shawn Talbot Rice
 PO Box 700#81
 Yavapai county
 Ash Fork 86320
 Arizona
 In Propria Persona

11/24 A 9 32

**UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
 Plaintiff,
 vs.

SAMUEL DAVIS and
 SHAWN RICE,

Defendants.

SHAWN RICE,

Counter-Plaintiff/Claimant,

vs.

UNITED STATES OF AMERICA,
 INTERNATIONAL MONETARY FUND
 (I.M.F.) A/K/A THE FUND, FEDERAL
 BUREAU OF INVESTIGATION, and THEIR
 PRINCIPAL, Elizabeth Windsor II, dba
 QUEEN ELIZABETH, dba UNITED
 STATES OF AMERICA, Jaime Sailing dba
 Bureau of Public Debt, Timothy Geithner dba
 United States Treasury, Secretary Arne
 Duncan dba United States Department of
 Agriculture, Jane and John Doe Agents 1-
 10,000,000, XYZ Corporations 1-10,000,000,
 and Red and Blue LLC's 1-10,000,000,
 Counter-defendants/Libelants,

Shawn Rice, Real Party in Interest, Third Party
 Intervener, Protected Creditor to Plaintiff by
 revesting title, Sovereign without subjects,
 Protected Creditor pursuant to UCC 8, Trust
 Interest Holder, and Beneficial Owner of the
 Estate by Statute Merchant, and a Title 18
 Section 245 Federally Protected Legal &
 Lawful Municipality.

Case No.: 2:09-CR-078

AFFIDAVIT OF ORIGINAL ISSUE AND OF
 COUNTER-PLAINTIFF/CLAIMANT'S
 SHAWN RICE ACCEPTANCE OF THE
 CLAIM, WITH VERIFIED NOTICE OF
 THE DISTRICT COURT'S
 ABANDONMENT THEREOF

File on Demand

- 1 10. The Original Issue price of \$7,853,100.00 for Claim or Case No. 2:09-CR-078 was
2 accepted on March 3, 2009, by USDC and is filed on Internal Revenue Service (IRS)
3 Form 1099-OID, 1099-DIV (annexed hereto and incorporated herein by reference as
4 Counter-Plaintiff/Claimant's Exhibit A); and
- 5 11. Creditor SHAWN T. RICE, AKA SHAWN TALBOT RICE AKA SHAWN RICE
6 accepted the Claim or Case No. Counter-Plaintiff/Claimant for the assessed value of the
7 taxes owed (see Exhibit A); and
- 8 12. Creditor SHAWN T. RICE, AKA SHAWN TALBOT RICE AKA SHAWN RICE posted
9 and tendered GSA Forms 28, 90, 91, etc. to setoff the Miller Act Penal sum of
10 \$7,853,100, which, by information and belief was done by and through the Chicago
11 Mercantile Exchange in May 2009 for which a 1099-INT is submitted; and
- 12 13. Creditor SHAWN T. RICE, AKA SHAWN TALBOT RICE AKA SHAWN RICE posted
13 and tendered a Supersedeas Bond for Original Issue Discount on October 7, 2009, with a
14 maturity value of \$7,853,100 to setoff the Miller Act Penal Sum, which, by information
15 and belief was done on October 17, 2009 for which a 1099-OID is submitted; and
- 16 14. By means of IRS Form 1099A (annexed hereto and incorporated herein by reference as
17 Defendant's Exhibit B), USDC has abandoned the Claim or Case No. 2:09-CR-078; and
- 18 15. As evidenced by the conformed file stamp by the Clerk of Court USDC is in receipt of
19 said IRS Forms 1099-OID, 1099-DIV and 1099A (Exhibits A and B) that establish the
20 abandonment by USDC of the Tax in this Claim or Case No. 2:09-CR-078; and
- 21 16. These were done so in accord with the Emergency Farm Mortgage Act, the Miller Act,
22 the Federal Reserve Act, among other acts and the United States Department of
23 Agriculture as it regulates Human Resources; and

1 17. Further Affiant saith naught.

2 **VERIFIED NOTICE OF THE ABANDONMENT**
3 **BY THE DISTRICT COURT OF THE CLAIM OR CASE NO. 2:09-CR-078**
4 **AND ANY DERIVATIVE THEREIN**
5

6 18. There being no controversy in the USDC regarding the Claim or Case No. 2:09-CR-078,

7 said court is hereby noticed that it has lost subject matter jurisdiction thereof and is

8 hereby commanded to vacate forthwith any order(s) or judgment(s) made therein.

9 19. Based upon the acts of USDC set forth in the above affidavit, THE USDC, a corporation

10 doing business under tax identification number 88-6031053, also known as CLARK

11 COUNTY, NEVADA, located at 333 Las Vegas Blvd. South, Las Vegas, Nevada 89101,

12 is hereby declared to be operating in violation of the applicable provisions of Title 26

13 United States Code concerning Tax Fraud.

14 20. The prosecutor in Claim or Case No. 2:09-CR-078 is hereby noticed to show cause to

15 Counter-Plaintiff/Claimant, within ten (10) days from the date of receipt of this

16 instrument, why contempt charges should not be brought against the CEO of Plaintiff.

17 21. Although I do hold a Juris Doctor in Law and not a Bar member, I am still learning some

18 of the details regarding USDC and prosecutor's tax fraud, trust res theft, securities law.

19 anti-trust, among other subjects, but I do know right from wrong in accord with P.L. 97-

20 280 and Torah as taught by Yeshua HaMashiach, and I intend no one harm by my word

21 or deed, notwithstanding "rooting out" evil. Therefore, if any man or woman is damaged

22 by any statement(s) herein and informs me of the facts, I will sincerely make every effort

23 to amend my ways. I hereby reserve the right to amend and make amendment to this

24 affidavit as necessary in order that the truth may be ascertained and the required remedies

25 be justly performed. If any man or woman given notice by means of this document has

1 information that would controvert and overcome any statement herein and informs me
2 thereof IN WRITTEN AFFIDAVIT FORM, *sworn or affirmed true, correct, complete*
3 *and not misleading upon the affiant's full commercial liability* within thirty (30) days
4 from the placement hereof in the public record, proving with particularity, i.e., by stating
5 all requisite, evidentiary facts and all requisite, actual law—not mere ultimate facts and /
6 or conclusions of law—that any statement(s) herein are substantially and materially false,
7 sufficiently to alter materially my status and / or factual statements, I will correct the
8 offending statement(s). Silence betokens consent to and tacit approval of the factual
9 statements herein being established as the truth and law in commerce.

1 I solemnly swear that the testimony I have provided is true and correct.

2
3 Shawn Rice

4
5 Shawn Rice, , Real Party in Interest, Third Party Intervener, Protected Creditor to Plaintiff by
6 revesting title, Sovereign without subjects, Protected Creditor pursuant to UCC 8, Trust Interest
7 Holder, and Beneficial Owner of the Estate by Statute Merchant, and a Title 18 Section 245
8 Federally Protected Legal & Lawful Municipality.

9
10 Jurat

11
12 State of Nevada)

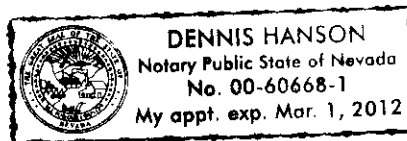
13) ss: ASSEVERATION

14 Clark county)

15
16 On this 24th day of November, 2009, the process server did appear before me, is known to be the
17 person described herein, who executed the foregoing, acknowledged the contents thereof, and
18 executed the same as their free act and deed, by Shawn Rice

19
20 seal

21
22 Notary Officer Dennis Hanson



1 **CERTIFICATE OF SERVICE**

2 COPY of the forgoing hand delivered, this 24th day of November, 2009, to:

3
4 Assistant US Attorney, DAMM, Prosecutor
5 333 Las Vegas Blvd. South, Suite 5000
6 Las Vegas, Nevada 89101
7 Phone: 702-388-6336
8 Fax: 702-388-5087
9

10
11
12 Service performed by:

13
14 Shawn Rice
15 PO Box 700#81
16 Yavapai county
17 Ash Fork 86320
18 Arizona
19
20
21
22

SHAWN T. RICE

PO BOX 700#81

ASH FORK, AZ 86320

Shawn Rice

217 853-5726

573531255

573-53-1255

4

15,706,200

15,706,200

X

XX

XX

Return this entire page to the Internal Revenue Service. Photocopies are not acceptable.

Under penalties of perjury, I declare that I have examined this return and accompanying documents, and, to the best of my knowledge and belief, they are true, correct, and complete.

Signature



Title ▶ Authorized Representative Date ▶ 091122

Instructions

Purpose of form. Use this form to transmit paper Forms 1099, 1098, 5498, and W-2G to the Internal Revenue Service. Do not use Form 1096 to transmit electronically or magnetically. For magnetic media, see Form 4804, Transmittal of Information Returns Reported Magnetically; for electronic submissions, see Pub. 1220, Specifications for Filing Forms 1098, 1099, 5498, and W-2G Electronically or Magnetically.

Who must file. The name, address, and TIN of the filer on this form must be the same as those you enter in the upper left area of Forms 1099, 1098, 5498, or W-2G. A filer includes a payer; a recipient of mortgage interest payments (including points) or student loan interest; an educational institution; a broker; a barter exchange; a creditor; a person reporting real estate transactions; a trustee or issuer of any individual retirement arrangement, a Coverdell ESA, an HSA, an Archer MSA (including a Medicare Advantage MSA); certain corporations; certain donors of motor vehicles, boats, and airplanes; and a lender who acquires an interest in secured property or who has reason to know that the property has been abandoned.

Preaddressed Form 1096. If you received a preaddressed Form 1096 from the IRS with Package 1099, use it to transmit paper Forms 1099, 1098, 5498, and W-2G to the Internal Revenue Service. If any of the preprinted information is incorrect, make corrections on the form.

If you are not using a preaddressed form, enter the filer's name, address (including room, suite, or other unit number), and TIN in the spaces provided on the form.

When to file. File Form 1096 as follows.

- With Forms 1099, 1098, or W-2G, file by February 28, 2007.
- With Forms 5498, 5498-ESA, or 5498-SA, file by May 31, 2007.

Where To File

Except for Form 1098-C, send all information returns filed on paper with Form 1096 to the following:

If your principal business, office or agency, or legal residence in the case of an individual, is located in

Use the following Internal Revenue Service Center address

Alabama, Arizona, Arkansas, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Massachusetts, Mississippi, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Texas, Vermont, Virginia, West Virginia

Austin, TX 73301

Alaska, California, Colorado, District of Columbia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Utah, Washington, Wisconsin, Wyoming

Kansas City, MO
64999

☐ CORRECTED (if checked)

LENDER'S name, street address, city, state, ZIP code, and telephone no. SHAWN T. RICE PO BOX 700431 ASH FORK, AZ 86320		OMB No. 1545-0877 2009 Form 1099-A		Acquisition or Abandonment of Secured Property Copy B For Borrower This is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction may be imposed on you if taxable income results from this transaction and the IRS determines that it has not been reported.
LENDER'S federal identification number 573531255	BORROWER'S identification number 88-6031053	1 Date of lender's acquisition or knowledge of abandonment MARCH 3, 2009	2 Balance of principal outstanding \$ 7,353,100	
BORROWER'S name UNITED STATES DISTRICT COURT		3 [REDACTED]	4 Fair market value of property \$	
Street address (including apt. no.) 333 LAS VEGAS BLVD SOUTH City, state, and ZIP code LAS VEGAS, NV 89101		5 Was borrower personally liable for repayment of the debt? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Account number (see instructions) 090403-1		6 Description of property Credit balance due on acct Acquisition of secured property 26 APR 1.1275		

Form **1099-A** (keep for your records) Department of the Treasury - Internal Revenue Service

☐ CORRECTED (if checked)

LENDER'S name, street address, city, state, ZIP code, and telephone no. SHAWN T. RICE PO BOX 700431 ASH FORK, AZ 86320		OMB No. 1545-0877 2009 Form 1099-A		Acquisition or Abandonment of Secured Property Copy B For Borrower This is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction may be imposed on you if taxable income results from this transaction and the IRS determines that it has not been reported.
LENDER'S federal identification number 573531255	BORROWER'S identification number 88-6031053	1 Date of lender's acquisition or knowledge of abandonment MARCH 3, 2009	2 Balance of principal outstanding \$ 7,353,100	
BORROWER'S name UNITED STATES DISTRICT COURT		3 [REDACTED]	4 Fair market value of property \$	
Street address (including apt. no.) 333 LAS VEGAS BLVD SOUTH City, state, and ZIP code LAS VEGAS, NV 89101		5 Was borrower personally liable for repayment of the debt? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Account number (see instructions) 090403-1		6 Description of property Credit balance due on acct Acquisition of secured property 26 APR 1.1275		

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LENDER'S name, street address, city, state, ZIP code, and telephone no.		OMB No. 1545-0877 2009 Form 1099-A		Acquisition or Abandonment of Secured Property Copy B For Borrower This is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction may be imposed on you if taxable income results from this transaction and the IRS determines that it has not been reported.
LENDER'S federal identification number	BORROWER'S identification number	1 Date of lender's acquisition or knowledge of abandonment	2 Balance of principal outstanding \$	
BORROWER'S name		3 [REDACTED]	4 Fair market value of property \$	
Street address (including apt. no.)		5 Was borrower personally liable for repayment of the debt? <input type="checkbox"/> Yes <input type="checkbox"/> No		
City, state, and ZIP code		6 Description of property		
Account number (see instructions)				

Form **1099-A** (keep for your records) Department of the Treasury - Internal Revenue Service

☐ CORRECTED (if checked)

PAYER'S name, street address, city, state, ZIP code, and telephone no. SHAWN T. RICE PO BOX 700491 ASH FORK, AZ 86320		1 Original issue discount for 2009* \$	OMB No. 1545-0117 2009 Form 1099-OID	Original Issue Discount
		2 Other periodic interest \$		
PAYER'S federal identification number 573531255	RECIPIENT'S identification number 83-5031053	3 Early withdrawal penalty \$	4 Federal income tax withheld \$ 7,853,100	Copy B For Recipient This is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction may be imposed on you if this income is taxable and the IRS determines that it has not been reported.
RECIPIENT'S name UNITED STATES DISTRICT COURT		5 Description Credit balance due on acct 25 SEP 1.1275		
Street address (including apt. no.) 333 LAS VEGAS BLVD SOUTH		6 Original issue discount on U.S. Treasury obligations* \$		
City, state, and ZIP code LAS VEGAS, NV 89101		7 Investment expenses \$		
Account number (see instructions) 090403-4		* This may not be the correct figure to report on your income tax return. See instructions on the back.		

Form 1099-OID

(keep for your records)

Department of the Treasury - Internal Revenue Service

☐ CORRECTED (if checked)

PAYER'S name, street address, city, state, ZIP code, and telephone no.		1 Original issue discount for 2009* \$	OMB No. 1545-0117 2009 Form 1099-OID	Original Issue Discount
		2 Other periodic interest \$		
PAYER'S federal identification number	RECIPIENT'S identification number	3 Early withdrawal penalty \$	4 Federal income tax withheld \$	Copy B For Recipient This is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction may be imposed on you if this income is taxable and the IRS determines that it has not been reported.
RECIPIENT'S name		5 Description		
Street address (including apt. no.)		6 Original issue discount on U.S. Treasury obligations* \$		
City, state, and ZIP code		7 Investment expenses \$		
Account number (see instructions)		* This may not be the correct figure to report on your income tax return. See instructions on the back.		

Form 1099-OID

(keep for your records)

Department of the Treasury - Internal Revenue Service

☐ CORRECTED (if checked)

PAYER'S name, street address, city, state, ZIP code, and telephone no.		1 Original issue discount for 2009* \$	OMB No. 1545-0117 2009 Form 1099-OID	Original Issue Discount
		2 Other periodic interest \$		
PAYER'S federal identification number	RECIPIENT'S identification number	3 Early withdrawal penalty \$	4 Federal income tax withheld \$	Copy B For Recipient This is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction may be imposed on you if this income is taxable and the IRS determines that it has not been reported.
RECIPIENT'S name		5 Description		
Street address (including apt. no.)		6 Original issue discount on U.S. Treasury obligations* \$		
City, state, and ZIP code		7 Investment expenses \$		
Account number (see instructions)		* This may not be the correct figure to report on your income tax return. See instructions on the back.		

Form 1099-OID

(keep for your records)

Department of the Treasury - Internal Revenue Service

<input type="checkbox"/> CORRECTED (if checked)		PAYER'S name, street address, city, state, ZIP code, and telephone no. SHAWN T. RICE PO BOX 700731 ASH FORK, AZ 89101		Payer's RTN (optional)	OMB No. 1545-0112 2009	Interest Income
		1 Interest income \$ 7,353,100				
		2 Early withdrawal penalty \$			Form 1099-INT	
PAYER'S federal identification number 573531255	RECIPIENT'S identification number 38-6031053	3 Interest on U.S. Savings Bonds and Treas. obligations \$ 7,353,100		5 Investment expenses \$		Copy B For Recipient This is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction may be imposed on you if this income is taxable and the IRS determines that it has not been reported.
RECIPIENT'S name UNITED STATES DISTRICT COURT		4 Federal income tax withheld \$ 7,353,100		6 Foreign tax paid \$		
Street address (including apt. no.) 333 LAS VEGAS BLVD SOUTH		7 Foreign country or U.S. possession \$		8 Tax-exempt interest \$		
City, state, and ZIP code LAS VEGAS, NV 89101		9 Specified private activity bond interest \$				
Account number (see instructions) 090403-3						
Form 1099-INT		(keep for your records)		Department of the Treasury - Internal Revenue Service		

<input type="checkbox"/> CORRECTED (if checked)		PAYER'S name, street address, city, state, ZIP code, and telephone no.		Payer's RTN (optional)	OMB No. 1545-0112 2009	Interest Income
		1 Interest income \$				
		2 Early withdrawal penalty \$			Form 1099-INT	
PAYER'S federal identification number	RECIPIENT'S identification number	3 Interest on U.S. Savings Bonds and Treas. obligations \$		5 Investment expenses \$		Copy B For Recipient This is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction may be imposed on you if this income is taxable and the IRS determines that it has not been reported.
RECIPIENT'S name		4 Federal income tax withheld \$		6 Foreign tax paid \$		
Street address (including apt. no.)		7 Foreign country or U.S. possession \$		8 Tax-exempt interest \$		
City, state, and ZIP code		9 Specified private activity bond interest \$				
Account number (see instructions)						
Form 1099-INT		(keep for your records)		Department of the Treasury - Internal Revenue Service		

<input type="checkbox"/> CORRECTED (if checked)		PAYER'S name, street address, city, state, ZIP code, and telephone no.		Payer's RTN (optional)	OMB No. 1545-0112 2009	Interest Income
		1 Interest income \$				
		2 Early withdrawal penalty \$			Form 1099-INT	
PAYER'S federal identification number	RECIPIENT'S identification number	3 Interest on U.S. Savings Bonds and Treas. obligations \$		5 Investment expenses \$		Copy B For Recipient This is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction may be imposed on you if this income is taxable and the IRS determines that it has not been reported.
RECIPIENT'S name		4 Federal income tax withheld \$		6 Foreign tax paid \$		
Street address (including apt. no.)		7 Foreign country or U.S. possession \$		8 Tax-exempt interest \$		
City, state, and ZIP code		9 Specified private activity bond interest \$				
Account number (see instructions)						
Form 1099-INT		(keep for your records)		Department of the Treasury - Internal Revenue Service		